

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rudolf C. Barendse et al.

Application No.: 09/089,871

Confirmation No.: 3289

Filed: June 4, 1998

Art Unit: 1652

For: HIGH ACTIVITY PHYTASE
COMPOSITIONS

Examiner: D. M. Ramirez

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114 (37 CFR 1.97(b)(4)).

The references cited on the attached PTO/SB/08 were cited in opposition proceedings of the corresponding European counterpart and/or in co-pending U.S. Application Serial No. 10/280,324. A copy of each document required under 37 CFR 1.98(a)(2) is enclosed.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless

specifically designated as such. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Applicants note that some of the references listed in the translation column of the attached Form PTO SB/08 are English-language counterparts from the same family of applications as the non-English foreign patent documents listed therein, but may not necessarily be their English-language equivalents.

Applicants believe no fee is due with this response. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 12810-00682-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicants

622565_1